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Message Text

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ACTION L-03

INFO OCT-01 AF-10 ISO-00 HA-05 IO-13 AID-05 CIAE-00
DODE-00 PM-05 H-01 INR-10 NSAE-00 NSC-05 PA-01
SP-02 SS-15 ICA-11 OMB-01 TRSE-00 /088 W
----------005429 271133Z /10
R 261731Z MAY 78
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC 7363
INFO AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY PRETORIA
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E.O. 11652: N/A
TAGS: PINT, PINS, SWEL, SHUM, SF
SUBJ: PENDING SOCIAL WELFARE LEGISLATION

REF: STATE 130000

1. SUMMARY: THE FUND-RAISING BILL, NOW WENDING ITS WAY THROUGH PARLIAMENT, PROVIDES FOR STRICT GOVT CONTROL OVER ALL FUND-RAISING ACTIVITY BY ANY PERSON OR ORGANIZATION. IF IT WISHES, THE GOVT COULD USE THE BILL TO PREVENT OVERSEAS FUNDS FOR DEFENSE IN POLITICAL TRIALS, OR TO CLOSE DOWN ANY SOCIAL WELFARE ORGANIZATION OF WHICH IT DISAPPROVES. END SUMMARY.

2. THREE BILLS HAVE BEEN INTRODUCED IN PARLIAMENT THIS SESSION TO IMPLEMENT THE RECOMMENDATIONS OF THE VAN ROOYEN COMMISSION (77 PRETORIA 4844) AND ESTABLISH GREATER GOVT REGULATION OF SOCIAL WELFARE ORGANIZATIONS. UNDER ONE OF THESE, THE FUND-RAISING BILL, THE GOVT WILL APPOINT A DIRECTOR OF FUND RAISING WHO WILL HAVE THE POWER TO DECIDE WHICH ORGANIZATIONS WILL
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BE PERMITTED TO COLLECT FUNDS, IN WHICH AREAS, AND FOR WHAT PURPOSE. THE BILL WILL MAKE IT A CRIME FOR ANY UNAUTHORIZED PERSON TO COLLECT CONTRIBUTIONS, OR EVEN TO RECEIVE AND USE UNSOLICITED CONTRIBUTIONS. THE DIRECTOR WILL ALSO HAVE THE RIGHT TO INVESTIGATE ANY FUND-RAISING ORGANIZATION OR INDIVIDUAL, INCLUDING THE RIGHT TO ENTER AND SEARCH PREMISES WITHOUT WARRANT, AND TO INTERROGATE UNDER OATH PERSONS INVOLVED IN FUND RAISING.

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SHOULD THE DIRECTOR REFUSE OR SUSPEND AN ORGANIZATION'S RIGHT TO COLLECT FUNDS, THE ORGANIZATION WILL BE ALLOWED TO APPEAL TO A COMMITTEE APPOINTED BY THE MINISTER, BUT NOT TO THE COURTS. IN ADDITION TO THE DIRECTOR'S POWERS, THE MINISTER OF SOCIAL WELFARE WILL BE EMPOWERED TO PROHIBIT BY PROCLAMATION "THE COLLECTION OF CONTRIBUTIONS FOR ANY PURPOSE OR IN ANY MANNER OR BY OR FOR OR ON BEHALF OF ANY PERSON OR ORGANIZATION".

3. THE SWEEPING NATURE OF THE FUND-RAISING BILL HAS DRAWN SHARP CRITICISM FROM THE OPPOSITION AND EVEN FROM SOME GOVT SUPPORTERS. WHILE THE BILL MAKES NO SPECIFIC MENTION OF FUNDS FROM OVERSEAS OR FUNDS FOR LEGAL DEFENSE, IT IS CLEAR THAT ITS PROVISIONS ARE BROAD ENOUGH TO PROHIBIT SUCH FUNDS IF EITHER THE DIRECTOR OR MINISTER IS SO INCLINED. HORACE VAN RENSBURG, WHO HAS BEEN LEADING THE PROGRESSIVE FEDERAL PARTY'S (PFP) ATTACK ON THE BILL,, WARNED IN PARLIAMENT THAT THE BILL COULD BE USED TO PREVENT THE ENTRY INTO SOUTH AFRICA OF FOREIGN FUNDS INTENDED FOR LEGAL DEFENSE OR FOR HELPING OTHER "VICTIMS OF THE GOVT'S APARTHEID LEGISLATION AND ACTIONS." TWO PFP MEMBERS OF PARLIAMENT HAVE TOLD US PRIVATELY THAT THEY FEAR THIS IS WHAT THE SAG HAS IN MIND. THE JOHANNESBURG NATIONAL PARTY NEWSPAPER DIE VADERLAND EDITORIALIZED ON MAY 18 THAT THE FUND-RAISING BILL "WILL EFFECT OVERSEAS GRANTS FOR COURT CASES OF DETAINEES," AND WARNED AGAINST THIS, CITING THE BIKO CASE AND SAYING SUCH ACTION COULD "TRESPASS ON PERSONAL FREEDOM."

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4. OPPOSITION MEMBERS ALSO FEAR THAT THE SAG INTENDS TO USE THE BILL TO CLOSE DOWN OR LIMIT THE ACTIVITIES OF ORGANIZATIONS OF WHICH IT DOES NOT APPROVE. THESE FEARS WERE HEIGHTENED BY SPEECHES DURING THE PARLIAMENTARY DEBATE BY NATIONAL PARTY MEMBERS QUESTIONING THE ACTIVITIES OF THE SOUTH AFRICAN COUNCIL OF CHURCHES, THE DEPENDENTS' CONFERENCE, AND THE ASINGENI FUND.

5. THE FUND-RAISING BILL HAS NOW PASSED ITS FIRST TWO READINGS IN THE HOUSE, ANDINDICATIONS ARE THAT IT WILL BECOME LAW IN ITS PRESENT FORM.

6. ANOTHER OF THE SOCIAL WELFARE MEASURES INTRODUCED, THE NATIONAL WELFARE BILL, WILL CREATE REGIONAL WELFARE COUNCILS ALONG RACIAL LINES. MINISTER OF SOCIAL WELFARE F.W. DE KLERK REPORTEDLY CALLED THIS THE LOGICAL "NEXT PHASE IN THE MATURATION OF OUR WELFARE STRUCTURES." HE CONDEMNED AS "ABSOLUTELY WRONG" AND "SCANDALOUS" SUGGESTIONS BY THE OPPOSITION THAT THE BILL COULD BE USED TO PROHIBIT ORGANIZATIONS FROM GIVING AID ACROSS THE COLOR LINE. THE OPPOSITION POINTED OUT, HOWEVER, THAT A RECENT SAG CIRCULAR HAD STATED THE GOVT'S IDEAL TO BE SEPARATE WELFARE ORGANIZATIONS FOR EACH RACIAL GROUP. THE CIRCULAR REPORTEDLY ENVISIONED THAT WHITE INVOLVEMENT

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IN COLORED, INDIAN, AND BLACK WELFARE SERVICES WOULD UNTIMATELY
DISAPPEAR.
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